

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of West Penn Power Company :
d/b/a Allegheny Power for Expedited :
Approval of its Smart Meter Technology :
Procurement and Installation Plan :**

Docket No. M-2009-2123951

**PETITION TO INTERVENE ON BEHALF OF THE
PENNSYLVANIA ASSOCIATION OF COMMUNITY
ORGANIZATIONS FOR REFORM NOW (“ACORN”)**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

The Pennsylvania Association of Community Organizations for Reform Now, by and through their counsel, the Pennsylvania Utility Law Project, hereby Petitions to Intervene in the above-captioned proceeding pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), 52 Pa. Code Sections 5.71-5.74, and in support thereof states as follows:

1. The Petitioners are represented by the Pennsylvania Utility Law Project. Attorneys receiving service of all documents in this proceeding are:

Harry S. Geller, Esq.
John C. Gerhard, Esq.

Julie George, Esq.

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2. On August 14, 2009, pursuant to the requirements of Act 129, West Penn Power Company d/b/a Allegheny Power (“Allegheny” or “company”) filed with the Commission a petition seeking approval of Allegheny’s Smart Meter Technology Procurement and Installation Plan. *Petition of West Penn Power Company d/b/a Allegheny Power for Expedited Approval of its Smart Meter Technology Procurement and Installation Plan*, Docket No. M-2009-2123951 (Filed August 14, 2009) (“Petition”).

3. The Petition outlines Allegheny’s plans to design, procure, and implement a smart meter system. The Petition seeks expedited approval because the company’s Energy Efficiency and Conservation Plan (“EE&C Plan”) filed on July 1, 2009 and currently before the Commission in an active proceeding at Docket No. M-2008-2093218 is fundamentally interrelated with the Smart Meter Plan. Petition at 2. The EE&C Plan relies on smart meter technology to change customer behavior and to achieve many of the EE&C Plan’s goals, particularly Act 129 demand reduction goals. *Id.* at 2-3. The company believes smart meter technology will provide customers with the timely information needed to make informed decisions about electricity usage, linking consumption to real time, real life activities. *Id.* at 5.

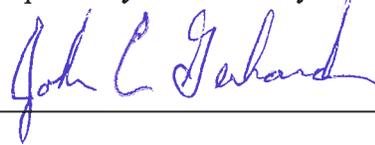
4. Whereas the Commission's Smart Meter Implementation Order gives electric distribution companies a 30 month grace period after the approval of a company's Smart Meter Plan during which no smart meters must be installed at customers' residences, Allegheny's proposed expedited process truly will put the company on a fast track to design and implement a workable, prudent, and reliable system. *Smart Meter Procurement and Installation, Implementation Order*, Docket No. M-2009-2092655 (Order entered June 24, 2009) at 7 ("Implementation Order"); Petition at 6. The rationale for this speed is that the company's EE&C Plan intimately relies upon a smart meter system to achieve its goals (i.e. nine of the company's 22 Act 129 programs can not be supported with their existing metering). Petition at 6. Allegheny seeks a Commission Order on this Petition by January 29, 2010 because the company plans to begin making substantial expenditures on smart meter technology in the last quarter of 2009 and the first quarter of 2010. *Id.* at 10.
5. The Petitioner, Pennsylvania ACORN, is a not-for-profit chapter of the Association of Community Organizations for Reform Now ("ACORN"), an advocacy and membership organization whose mission is to advocate on behalf of low and lower income persons on numerous consumer issues, including access to and the affordability of public utility service.
6. Many ACORN constituents reside within Allegheny's service territory and receive electric distribution service from the company. The company's proposed Smart Mater

Plan will have direct, immediate, substantial, and distinct effects upon the interests of ACORN constituents.

7. Given the novelty of Smart Metering technologies and practices, there are significant questions remaining unanswered regarding the impact Smart Networks, Smart Metering, and dynamic pricing will have on low income customers. What is the real cost of procuring and implementing a smart meter system, and how will these costs fall on low income customers? How will low income customers access, take advantage of, and benefit from the data made available through smart meters and networks? What will be the impact of real time pricing and time of use rates upon low income customers? Will smart metering herald new types of service that have adverse impacts upon low income customers? Each of these questions requires full investigation and consideration in this proceeding. Given Allegheny's request for an expedited proceeding and implementation schedule, these questions take on a heightened level of urgency.
8. The grounds for ACORN's petition to intervene are to ensure that its interests and those of its constituents are represented in this proceeding, particularly those issues raised in Paragraph 7 supra. Since the interests of our constituents are not adequately represented at the present time but our constituents will be bound by the Commission's decision, ACORN seeks to intervene in this proceeding.
9. WHEREFORE, ACORN respectfully requests the Pennsylvania Public Utility Commission:

- a. Grant this Petition to Intervene and
- b. Make such other orders as are just and appropriate.

Respectfully submitted by:



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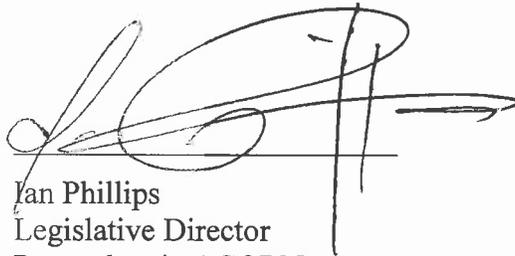
Counsel for ACORN

Dated: September 25, 2009

VERIFICATION

I, Ian Phillips, hereby state that the facts above set forth in the Petition to Intervene are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: September 14, 2009

A handwritten signature in black ink, appearing to read 'Ian Phillips', written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the right.

Ian Phillips
Legislative Director
Pennsylvania ACORN
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